

STEVEN H. HANEY, SBN 121980
 HANEY, BUCHANAN & PATTERSON L.L.P.
 707 Wilshire Boulevard
 Fifty-Third Floor
 Los Angeles, California 90017
 Telephone: 213-228-6500
 Facsimile: 213-228-6501
 E-mail: shaney@hbplaw.com

Attorneys for Defendants
 MIDO TRADING, INC. and GLEN
 SUH

**UNITED STATES DISTRICT COURT
 CENTRAL DISTRICT OF CALIFORNIA
 WESTERN DIVISION**

LOUIS VUITTON MALLETTIER, S.A.,

Plaintiff,

v.

MIDO TRADING, INC., a California
 corporation, PETER CHONG, a/k/a SU
 WONG CHONG, a/k/a SU W. CHONG,
 a/k/a PETER SU CHONG, a/k/a SU
 WONG, individually and doing business
 as MIDO TRADING CO., GLEN SUH,
 a/k/a SUNG SUH, individually and
 doing business as MIDO TRADING
 CO., and JOHN DOES 1-10,

Defendants.

Case No. CV08-04405 DDP (AGRx)

**(1) DEFENDANTS' NOTICE OF
 MOTION AND MOTION TO
 COMPEL FURTHER
 RESPONSES FROM
 PLAINTIFF TO
 DEFENDANTS'
 INTERROGATORIES, SET
 ONE, AND REQUEST FOR
 PRODUCTION OF
 DOCUMENTS, SET ONE
 (FRCP 37), AND FOR
 SANCTIONS IN THE
 AMOUNT OF \$ 1,700.00;**

**(2) MEMORANDUM OF POINTS
 AND AUTHORITIES IN
 SUPPORT THEREOF;**

**(3) DECLARATION OF NON-
 COMPLIANCE OF J.
 ADRIAN ZAMORA IN
 SUPPORT THEREOF; AND**

(4) [PROPOSED] ORDER
 (Separately lodged concurrently
 herewith)

Date: April 27, 2010

Time: 10:00 a.m.

Place: Hon. Alicia G. Rosenberg
 312 N. Spring Street
 Courtroom D, 8th Floor
 Los Angeles, CA 90012

1 TO PLAINTIFF AND ITS ATTORNEYS OF RECORD:

2 PLEASE TAKE NOTICE that on April 27, 2010 at 10:00 a.m., or as soon
3 thereafter as counsel may be heard by the above-entitled Court, located at 312 North
4 Spring Street, Courtroom 3, Second Floor, Los Angeles, California 90012,
5 Defendants Mido Trading, Inc. and Glen Suh (hereinafter "Defendants") will and
6 hereby do move the Court pursuant to Rule 37 of the Federal Rules of Civil
7 Procedure to compel Plaintiffs to provide further responses to Defendants
8 Interrogatories and Request for Production of Documents, Set One, including a full
9 and complete privilege log, and that Plaintiff and/or its counsel pay sanctions in the
10 amount of \$ 1,700.00 for the expenditure of costs and attorney's fees in the
11 preparation and presentation of this motion.

12 Defendants' Motion to Compel is based upon the following:

13 1) Plaintiff failed to provide full and complete responses to Defendants
14 Interrogatories, and Request for Production of Documents, including an adequate
15 privilege log; and

16 2) Plaintiff's counsel refused to participate in a Local Rule 37-1 pre-filing
17 conference to address the issues contained in this Motion.

18 This Motion is based on this Notice of Motion and Motion, the Memorandum
19 of Points and Authorities filed herewith, the Declaration of Non-Compliance of J.
20 Adrian Zamora, and upon such other matters as may be presented to the Court at the
21 time of the hearing.

22
23 Dated: March 26, 2010

HANEY, BUCHANAN & PATTERSON, LLP

24
25 By: /s/ Steven H. Haney

26 STEVEN H. HANEY
27 Attorneys for Defendants MIDO
28 TRADING, INC. and GLEN SUH

MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION.

By this Motion, Defendants seek an Order compelling responses to Defendants' properly served Interrogatories and Request for Production of Documents. Plaintiff's has failed to provide adequate responses to Defendants' discovery requests and Plaintiff's counsel has refused to engage in a Local Rule 37-1 pre-filing conference to avoid the filing of the instant motion. As a result, Defendants' counsel was unable to file a joint stipulation per this Court's local rules and was forced to file this noticed motion without participation or input from Plaintiff's counsel.

As set forth below, Plaintiff's responses to discovery are wholly inadequate and supplementation is required under the circumstances.

II. FACTUAL STATEMENT

On December 10, 2009 Defendants Mido Trading, Inc. and Glen Suh served Interrogatories, Set One, and a Request for Production of Documents, Set One on Plaintiff Louis Vuitton Malletier. (Zamora Declaration, ¶2) On January 11, 2010, Plaintiff served unmeritorious objections and responses to the above-mentioned discovery. (Zamora Decl., ¶3).

Based on the inadequacies of the discovery responses, on February 10, 2010, Defendants' counsel sent Plaintiff's counsel a meet and confer letter outlining its position that Defendants' spurious responses, lacked merit and the objections were made in bad-faith. (Zamora Decl., ¶4) In addition, the letter invited Plaintiff's counsel to engage in a pre-filing conference within 10 days of the date of the letter. (Zamora Decl., ¶4) Later, Defendants' counsel left a voicemail message with Plaintiff's counsel requesting another pre-filing conference. (Zamora Decl., ¶5) On March 1, 2010, Plaintiff's counsel responded with correspondence informing Plaintiff's counsel that he would make himself available on March 3-5, 2010 for the conference. (Zamora Decl., ¶5).

1 Later, on or about March 2, 2010 Defendants' counsel sent Plaintiff's counsel
 2 another letter inviting them to engage in a pre-filing conference. (Zamora Decl., ¶6).
 3 On Thursday, March 4, counsel for the parties agreed to conduct the pre-filing
 4 conference on Monday, March 8 at 10:00AM. (Zamora Decl., ¶) However, on late-
 5 Friday afternoon, Defendants' counsel was informed via email by Plaintiff's counsel
 6 that he was unable to attend the pre-filing conference due to a last minute hearing he
 7 had to attend on Monday morning. (Zamora Decl., ¶7) Counsel for the parties
 8 thereafter agreed to conduct the conference on Wednesday March 10, at 3:00PM.
 9 (Zamora Decl., ¶8) Then on the day of the conference at approximately 2:31PM,
 10 Plaintiff's counsel sent Defendants' counsel an email notifying him that he now he
 11 was not "authorized" to conduct the conference, and unilaterally cancelled it without
 12 volunteering another date. (Zamora Decl., ¶8).

13 On that same day, Defendants' counsel responded by requesting the identity of
 14 anyone from Plaintiff's firm with authority to conduct the counsel, but never
 15 received a response. (Zamora Decl., ¶9) On Monday, March 15, 2010, Defendants'
 16 counsel faxed Plaintiff's counsel another correspondence informing them that
 17 Defendants intended to file a motion to compel without their input and would
 18 thereafter inform the court of their failure to cooperate in the discovery process
 19 pursuant to this court's Local Rules. (Zamora Decl., ¶10). Once again, Plaintiff's
 20 counsel never responded, thereby necessitating this motion. (Zamora Decl., ¶10)
 21 After reviewing the docket and the files in this matter, it is apparent Plaintiff's
 22 counsel was never relieved of this obligation by a written Court order upon good
 23 cause shown. (Zamora Decl., ¶11)

24 25 **III. ARGUMENT**

26 **A. Plaintiff's Counsel Refused to Meet and Confer Per Local Rule 37-1**

27 "Prior to the filing of any motion relating to discovery pursuant to F.R.Civ.P.
 28 26-37, counsel for the parties shall confer in a good faith effort to eliminate the
 necessity for hearing the motion or to eliminate as many of the disputes as
 possible."

1 “ Unless relieved by written order of the Court upon good cause shown,
2 counsel for the opposing party shall confer with counsel for the moving party
3 within ten (10) days after the moving party serves a letter requesting such
4 conference.” L.R. 37-1

5 As set forth above, Defendants’ counsel requested a pre-filing conference prior
6 to filing the instant motion. Despite this, Plaintiff’s counsel refused to participate in
7 the conference citing his lack of authority. After reviewing the docket and the files
8 in this matter, it is apparent Plaintiff’s counsel was never relieved of this obligation
9 by a written Court order upon good cause shown. (Zamora Decl., ¶11)

10 In fact, other than stating his lack of authority to participate in the conference,
11 Plaintiff’s counsel has produced no cause whatsoever prohibiting him from
12 participating in the conference. As shown above, Plaintiff’s counsel’s initial
13 agreement to conduct the conference, only to then later rescind his agreement to
14 conduct the conference. Plaintiff’s counsel’s conduct only illustrates his bad-faith
15 and gamesmanship by failing to participate in the statutory process.

16 B. Plaintiff’s Responses to Defendant Mido Trading’s Interrogatories. Set
17 One Are In Bad Faith and Require Supplementation

18 Defendants’ counsel served 12 basic interrogatories. Plaintiff’s bad-faith
19 responses and the reasons for further responses are set-forth below.

20 **INTERROGATORY NO. 1:**

21 Identify all facts explaining how Plaintiff came into possession of the alleged
22 “Offending Goods” which are referenced in paragraph 22 of Plaintiff’s Complaint.

23 **RESPONSE TO INTERROGATORY NO. 1**

24 Plaintiff refers and incorporates herein all of the General Objections set forth
25 above.

26 Plaintiff also objects to the phrase “all facts explaining” as vague, ambiguous,
27 and undefined, and renders the Request similarly vague and ambiguous. Plaintiff
28 further objects to this Request to the extent that it seeks information that is neither
relevant to the subject matter of, nor reasonably calculated to lead to the discovery of
admissible evidence relevant to Plaintiff’s claim for damages, which is the only
remaining issue to be decided in this action. Plaintiff further objects to this Request
to the extent that it seeks information that is covered by the attorney-client privilege,
the work product immunity doctrine, and/or otherwise protected from discovery.
Plaintiff objects to the extent that it violates the United States and California
constitutional, statutory, and common law rights of privacy in financial and
confidential information of Plaintiff and third parties.

1 Subject to and without waiving any of the foregoing general and specific
 2 objections, Plaintiff directs Defendant to the declaration of Michael Pantalony in
 3 Support of Plaintiff's Motion for Default Judgment (hereinafter, "Pantalony
 Declaration"), which is in Defendant's possession and which has been filed in this
 action.

4 **REASON WHY PLAINTIFF'S RESPONSE IS INCOMPLETE AND** 5 **REQUIRES SUPPLEMENTATION**

6 According to Plaintiff's interrogatory response, it states "responsive
 7 information is located in the Pantalony Declaration." This answer is problematic in
 8 that each interrogatory must be answered fully, and must not simply refer to another
 9 document. Additionally, Plaintiff's response does not state that "all" responsive
 10 information is contained in the Pantalony Declaration. To the extent there is any
 11 information outside of the four corners of that document that is responsive to the
 interrogatory, that information must be provided. In addition, if all the information
 that is responsive to the interrogatory is in the Pantalony Declaration, Plaintiff's
 response needs to be supplement to state "all" responsive information is located in
 the Pantalony Declaration. Otherwise, Plaintiff could provide additional information
 or documentation at time of trial based on the fact that failed to provide all
 information that was responsive to the interrogatory.

12 **INTERROGATORY NO. 3:**

13 Identify all documents evidencing, relating to, or reflecting how Plaintiff came
 14 into possession of the alleged "Offending Goods" which are referenced in paragraph
 22 of Plaintiff's Complaint.

15 **RESPONSE TO INTERROGATORY NO. 3**

16 Plaintiff refers and incorporates herein all of the General Objections set forth
 17 above.

18 Plaintiff also objects to the phrase "evidencing, relating to, or reflecting" as
 19 vague, ambiguous, and undefined, and renders the Request similarly vague and
 20 ambiguous. Plaintiff further objects to this Request to the extent that it seeks
 21 information that is neither relevant to the subject matter of, nor reasonably calculated
 22 to lead to the discovery of admissible evidence relevant to Plaintiff's claim for
 damages, which is the only remaining issue to be decided in this action. Plaintiff
 further objects to this Request to the extent that it seeks information that is covered
 by the attorney-client privilege, the work product immunity doctrine, and/or
 otherwise protected from discovery. Plaintiff objects to the extent that it violates the
 United States and California constitutional, statutory, and common law rights of
 privacy in financial and confidential information of Plaintiff and third parties.

23 Subject to and without waiving any of the foregoing general and specific
 24 objections, Plaintiff responds as follows: Responsive information is located in the
 25 Pantalony declaration and identified in Plaintiff's privilege log.

26 **REASON WHY PLAINTIFF'S RESPONSE IS INCOMPLETE AND** 27 **REQUIRES SUPPLEMENTATION**

28 To the extent any documents are being withheld based on an objection or claim
 of privilege, Plaintiff must identify them with sufficient specificity so that counsel
 may evaluate the objection and/or claim of privilege.

1 Second, Plaintiff's objection on the grounds of trade secret, proprietary or
2 other confidential information does not allow counsel the opportunity to evaluate the
3 claim. To the extent new documents are being withheld on this basis, they must also
4 be identified with specificity in the privilege log.

5 According to Plaintiff's interrogatory response, it also states "responsive
6 information is located in the Pantalony Declaration." This answer is problematic in
7 that each interrogatory must be answered fully, and must not simply refer to another
8 document. Additionally, Plaintiff's response does not state that "all" responsive
9 information is contained in the Pantalony Declaration. To the extent there is any
10 information outside of the four corners of that document that is responsive to the
11 interrogatory, that information must be provided. In addition, if all the information
12 that is responsive to the interrogatory is in the Pantalony Declaration, Plaintiff's
13 response needs to be supplement to state "all" responsive information is located in
14 the Pantalony Declaration. Otherwise, Plaintiff could provide additional information
15 or documentation at time of trial based on the fact that failed to provide all
16 information that was responsive to the interrogatory.

10 **INTERROGATORY NO. 4:**

11 Identify the total number of alleged "Offending Goods" purchased by
12 Plaintiff's as referenced in Paragraph 22 of Plaintiff's Complaint.

13 **RESPONSE TO INTERROGATORY NO. 4**

14 Plaintiff refers and incorporates herein all of the General Objections set forth
15 above.

16 Plaintiff also objects to the request as vague, ambiguous, and undefined.
17 Plaintiff further objects to this Request to the extent that it seeks information that is
18 neither relevant to the subject matter of, nor reasonably calculated to lead to the
19 discovery of admissible evidence relevant to Plaintiff's claim for damages, which is
20 the only remaining issue to be decided in this action. Plaintiff further objects to this
21 Request to the extent that it seeks information that is covered by the attorney-client
22 privilege, the work product immunity doctrine, and/or otherwise protected from
23 discovery. Plaintiff objects to the extent that it violates the United States and
24 California constitutional, statutory, and common law rights of privacy in financial
25 and confidential information of Plaintiff and third parties.

26 Subject to and without waiving any of the foregoing general and specific
27 objections, Plaintiff responds as follows: Responsive information is located in the
28 Pantalony declaration.

23 **REASON WHY PLAINTIFF'S RESPONSE IS INCOMPLETE AND** 24 **REQUIRES SUPPLEMENTATION**

25 To the extent any documents are being withheld based on an objection or claim
26 of privilege, Plaintiff must identify them with sufficient specificity so that counsel
27 may evaluate the objection and/or claim of privilege.

28 Second, Plaintiff's objection on the grounds of trade secret, proprietary or
other confidential information does not allow counsel the opportunity to evaluate the
claim. To the extent new documents are being withheld on this basis, they must also
be identified with specificity in the privilege log.

1 According to Plaintiff's interrogatory response, it also states "responsive
2 information is located in the Pantalony Declaration." This answer is problematic in
3 that each interrogatory must be answered fully, and must not simply refer to another
4 document. Additionally, Plaintiff's response does not state that "all" responsive
5 information is contained in the Pantalony Declaration. To the extent there is any
6 information outside of the four corners of that document that is responsive to the
7 interrogatory, that information must be provided. In addition, if all the information
8 that is responsive to the interrogatory is in the Pantalony Declaration, Plaintiff's
9 response needs to be supplement to state "all" responsive information is located in
10 the Pantalony Declaration. Otherwise, Plaintiff could provide additional information
11 or documentation at time of trial based on the fact that failed to provide all
12 information that was responsive to the interrogatory.

13 **INTERROGATORY NO. 5:**

14 Identify the total number of alleged "Offending Goods" currently in Plaintiffs'
15 custody, control, or possession as referenced in Paragraph 22 of Plaintiff's
16 Complaint.

17 **RESPONSE TO INTERROGATORY NO. 5**

18 Plaintiff refers and incorporates herein all of the General Objections set forth
19 above.

20 Plaintiff also objects to the request as vague, ambiguous, and undefined.
21 Plaintiff further objects to this Request to the extent that it seeks information that is
22 neither relevant to the subject matter of, nor reasonably calculated to lead to the
23 discovery of admissible evidence relevant to Plaintiff's claim for damages, which is
24 the only remaining issue to be decided in this action. Plaintiff further objects to this
25 Request to the extent that it seeks information that is covered by the attorney-client
26 privilege, the work product immunity doctrine, and/or otherwise protected from
27 discovery. Plaintiff objects to the extent that it violates the United States and
28 California constitutional, statutory, and common law rights of privacy in financial
and confidential information of Plaintiff and third parties.

Subject to and without waiving any of the foregoing general and specific
objections, Plaintiff responds as follows: Responsive information is located in the
Pantalony declaration.

REASON WHY PLAINTIFF'S RESPONSE IS INCOMPLETE AND REQUIRES SUPPLEMENTATION

To the extent any documents are being withheld based on an objection or claim
of privilege, Plaintiff must identify them with sufficient specificity so that counsel
may evaluate the objection and/or claim of privilege.

Second, Plaintiff's objection on the grounds of trade secret, proprietary or
other confidential information does not allow counsel the opportunity to evaluate the
claim. To the extent new documents are being withheld on this basis, they must also
be identified with specificity in the privilege log.

According to Plaintiff's interrogatory response, it also states "responsive
information is located in the Pantalony Declaration." This answer is problematic in
that each interrogatory must be answered fully, and must not simply refer to another
document. Additionally, Plaintiff's response does not state that "all" responsive

1 information is contained in the Pantalony Declaration. To the extent there is any
 2 information outside of the four corners of that document that is responsive to the
 3 interrogatory, that information must be provided. In addition, if all the information
 4 that is responsive to the interrogatory is in the Pantalony Declaration, Plaintiff's
 5 response needs to be supplement to state "all" responsive information is located in
 6 the Pantalony Declaration. Otherwise, Plaintiff could provide additional information
 7 or documentation at time of trial based on the fact that failed to provide all
 8 information that was responsive to the interrogatory.

6 **INTERROGATORY NO. 7:**

7 Identify the total dollar amount, per unit Plaintiff paid in purchasing the
 8 alleged "Offending Goods" which are referenced paragraph 22 of Plaintiff's
 9 Complaint.

9 **RESPONSE TO INTERROGATORY NO. 7**

10 Plaintiff refers and incorporates herein all of the General Objections set forth
 11 above.

12 Plaintiff also objects to the request as vague, ambiguous, and undefined.
 13 Subject to and without waiving any of the foregoing general and specific objections,
 14 Plaintiff responds as follows: Responsive information is located in the Pantalony
 15 declaration.

14 **REASON WHY PLAINTIFF'S RESPONSE IS INCOMPLETE AND 15 REQUIRES SUPPLEMENTATION**

16 According to Plaintiff's interrogatory response, it states "responsive
 17 information is located in the Pantalony Declaration." This answer is problematic in
 18 that each interrogatory must be answered fully, and must not simply refer to another
 19 document. Additionally, Plaintiff's response does not state that "all" responsive
 20 information is contained in the Pantalony Declaration. To the extent there is any
 21 information outside of the four corners of that document that is responsive to the
 22 interrogatory, that information must be provided. In addition, if all the information
 23 that is responsive to the interrogatory is in the Pantalony Declaration, Plaintiff's
 24 response needs to be supplement to state "all" responsive information is located in
 25 the Pantalony Declaration. Otherwise, Plaintiff could provide additional information
 26 or documentation at time of trial based on the fact that failed to provide all
 27 information that was responsive to the interrogatory.

23 **INTERROGATORY NO. 8:**

24 Identify the fair market value in dollars, per unit, of authentic Louis Vuitton
 25 handbags carrying Louis Vuitton Trademarks and Copyrighted Work, that were
 26 allegedly infringed upon by Defendants' "Offending Goods" which are referenced in
 27 paragraph 22 of Plaintiff's Complaint.

26 **RESPONSE TO INTERROGATORY NO. 8**

27 Plaintiff refers and incorporates herein all of the General Objections set forth
 28 above.

Plaintiff also objects to the phrase "fair market value" as vague, ambiguous,

1 and undefined and renders the Request similarly vague and ambiguous.

2 Subject to and without waiving any of the foregoing general and specific
3 objections, Plaintiff responds as follows: Responsive information is located in the
4 Pantalony declaration.

5 **REASON WHY PLAINTIFF'S RESPONSE IS INCOMPLETE AND**
6 **REQUIRES SUPPLEMENTATION**

7 According to Plaintiff's interrogatory response, it states "responsive
8 information is located in the Pantalony Declaration." This answer is problematic in
9 that each interrogatory must be answered fully, and must not simply refer to another
10 document. Additionally, Plaintiff's response does not state that "all" responsive
11 information is contained in the Pantalony Declaration. To the extent there is any
12 information outside of the four corners of that document that is responsive to the
13 interrogatory, that information must be provided. In addition, if all the information
14 that is responsive to the interrogatory is in the Pantalony Declaration, Plaintiff's
15 response needs to be supplement to state "all" responsive information is located in
16 the Pantalony Declaration. Otherwise, Plaintiff could provide additional information
17 or documentation at time of trial based on the fact that failed to provide all
18 information that was responsive to the interrogatory.

19 **INTERROGATORY NO. 9:**

20 Identify all documents evidencing, relating to, or reflecting the dollar
21 amount(s) Plaintiff paid, per unit, in purchasing the alleged "Offending Goods"
22 which are referenced in paragraph 22 of Plaintiff's Complaint.

23 **RESPONSE TO INTERROGATORY NO. 9**

24 Plaintiff refers and incorporates herein all of the General Objections set forth
25 above.

26 Plaintiff further objects to the request as vague, ambiguous, and undefined.
27 Subject to and without waiving any of the foregoing general and specific objections,
28 Plaintiff responds as follows: Responsive information is located in the Pantalony
declaration.

REASON WHY PLAINTIFF'S RESPONSE IS INCOMPLETE AND
REQUIRES SUPPLEMENTATION

According to Plaintiff's interrogatory response, it states "responsive
information is located in the Pantalony Declaration." This answer is problematic in
that each interrogatory must be answered fully, and must not simply refer to another
document. Additionally, Plaintiff's response does not state that "all" responsive
information is contained in the Pantalony Declaration. To the extent there is any
information outside of the four corners of that document that is responsive to the
interrogatory, that information must be provided. In addition, if all the information
that is responsive to the interrogatory is in the Pantalony Declaration, Plaintiff's
response needs to be supplement to state "all" responsive information is located in
the Pantalony Declaration. Otherwise, Plaintiff could provide additional information
or documentation at time of trial based on the fact that failed to provide all
information that was responsive to the interrogatory.

INTERROGATORY NO. 10:

1 Identify all person(s) including name(s), address(es) and current telephone
 2 number(s), who have maintained possession of the alleged "Offending Goods" as
 3 referenced in paragraph 22 of Plaintiff's Complaint, since their purchase.

4 **RESPONSE TO INTERROGATORY NO. 10**

5 Plaintiff refers and incorporates herein all of the General Objections set forth
 6 above.

7 Plaintiff also objects to the Request as vague, ambiguous, and undefined.
 8 Plaintiff further objects to this Request to the extent that it seeks information that is
 9 neither relevant to the subject matter of, nor reasonably calculated to lead to the
 10 discovery of admissible evidence relevant to Plaintiff's claim for damages, which is
 11 the only remaining issue to be decided in this action. Plaintiff further objects to this
 12 Request to the extent that it seeks information that is covered by the attorney-client
 13 privilege, the work product immunity doctrine, and/or otherwise protected from
 14 discovery. Plaintiff objects to the extent that it violates the United States and
 15 California constitutional, statutory, and common law rights of privacy in financial
 16 and confidential information of Plaintiff and third parties.

17 Subject to and without waiving any of the foregoing general and specific
 18 objections, Plaintiff responds as follows: Plaintiff's agents and its investigators.

19 **REASON WHY PLAINTIFF'S RESPONSE IS INCOMPLETE AND**
 20 **REQUIRES SUPPLEMENTATION**

21 Plaintiff's response to this Interrogatory is inadequate because the question
 22 calls for identity of the persons, including name, address and telephone numbers, of
 23 persons who maintained possession of the "counterfeiting goods". Plaintiff merely
 24 states, "Plaintiff's agents and its investigators." Defendants' counsel has no idea who
 25 these individuals are, or where they are located, or their phone numbers. As a result,
 26 this response must be supplemented.

27 **INTERROGATORY NO. 11:**

28 State and explain, with particularity, all facts, proof, or evidence which, in
 whole or in part, support Plaintiff's Prayer for Relief, including but not limited to,
 the identification of specific amounts of damages as alleged in Plaintiff's Complaint.

RESPONSE TO INTERROGATORY NO. 11

Plaintiff refers and incorporates herein all of the General Objections set forth
 above.

Plaintiff also objects to the Request as overbroad, oppressive, and unduly
 burdensome. Plaintiff objects to this Request as calling for legal conclusions.
 Plaintiff further objects to the Request as vague, ambiguous, and undefined. Plaintiff
 also objects to this Request to the extent that it seeks information that is neither
 relevant to the subject matter of, nor reasonably calculated to lead to the discovery of
 admissible evidence relevant to Plaintiff's claim for damages, which is the only
 remaining issue to be decided in this action. Plaintiff further objects to this Request
 to the extent that it seeks information that is covered by the attorney-client privilege,
 the work product immunity doctrine, and/or otherwise protected from discovery.
 Plaintiff objects to the extent that it violates the United States and California
 constitutional, statutory, and common law rights of privacy in financial and
 confidential information of Plaintiff and third parties.

1 Subject to and without waiving any of the foregoing general and specific
 2 objections, Plaintiff responds as follows: Responsive information is located in the
 3 complaint, motion for default judgment against defendants and opposition to
 Defendant's motion to set aside default judgment, as well as the paper, pleadings and
 other documents filed in this action.

4 **REASON WHY PLAINTIFF'S RESPONSE IS INCOMPLETE AND**
 5 **REQUIRES SUPPLEMENTATION**

6 Plaintiff's response to this Interrogatory inappropriately and vaguely refers to
 7 various pleadings in the action, and also fails to state that all responsive information
 8 is located in those pleadings. Plaintiff also states at the end of the response that the
 9 information is contained in the "paper, pleadings, and other documents filed in this
 action" but fails to mention which ones. This response is too general and does not
 directly respond to the interrogatory with sufficient specificity. As such it must be
 supplemented.

10 C. Plaintiff's Responses to Defendant Mido Trading's Request for
 11 Production of Documents, Set One Are In Bad Faith and Require
Supplementation

12 Plaintiff's responses to Mido Trading's Request for Production are grossly
 13 lacking and suffer from the same defects as the above-referenced interrogatory
 14 responses. Defendants' Request for Production contained a representation as to each
 15 of the 14 requests that, subject to a protective order, it would "produce or make
 16 available for production relevant non-privileged documents, if any, within its
 17 possession, custody, or control that are responsive to this Request."

18 In his February 20, 2010 meet and confer letter, Defendants' counsel requested
 19 that Plaintiff's counsel forward an appropriate protective order for its consideration.
 20 Plaintiff's counsel never complied and then later refused altogether to participate in a
 21 pre-filing conference or to meet and confer on this issue. As such, Plaintiff's counsel
 22 has conducted himself in bad-faith and his tactics cannot be condoned by this Court
 23 by now hiding behind the alleged necessity of a protective order, failing to provide
 24 one, and then refusing to even meet and confer on this issue.

25 It is obvious Plaintiff's counsel's tactics were utilized to inhibit Defendants'
 26 ability to receive information to evaluate Plaintiff's claims and properly prepare for
 27 trial. As such, all documents Defendants' counsel requested must be produced
 28 forthwith.

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0
- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0
- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8

E. Sanctions are Allowable Under L.R. 37-4 For Plaintiff's Counsel's Failure to Cooperate in the Discovery Process

IV. CONCLUSION

Dated: March 26, 2010

HANEY, BUCHANAN & PATTERSON, LP

By: /s/ Steven H. Haney

STEVEN H. HANEY
Attorneys for Defendants MIDO
TRADING, INC. and GLEN SUH